



Guidance on Complying with the Rideshare Regulation

Massachusetts Department of Environmental Protection

The Massachusetts Department of Environmental Protection (DEP) implements the Rideshare regulation (310 CMR 7.16). Please read this guidance to determine if the Rideshare regulation is applicable to your facility and to learn how to comply with the regulation.

If you are uncertain as to whether your facility has ever submitted a Rideshare Program report to DEP, contact your human resources or environmental department before continuing. You may also contact the DEP Rideshare Program at (617) 292-5663 for this information.

1. What is the Rideshare Regulation?

The Rideshare regulation¹ is a statewide air quality regulation that requires employers of a certain size to implement trip reduction incentives that are designed to reduce the number of applicable commuter² drive-alone trips to an employment site by 25%.

As an air quality regulation, the Rideshare regulation is part of the Commonwealth's plan to reduce air pollution and to achieve and maintain health-based federal air quality standards. Like many other air pollution control programs, such as controls on smoke stacks and inspection and maintenance of motor vehicles, the Rideshare regulation is designed to reduce emissions of carbon monoxide (CO) and ozone precursors, which are involved in the formation of ozone, or smog.

Many employers have found that implementing trip reduction incentives can be good for business by reducing the need for parking, increasing morale and creating good public relations by reducing air pollution.

Ozone precursors, which include volatile organic compounds (VOCs) and nitrogen oxides (NOx), react in the presence of sunlight to form ground-level ozone or smog. Automobiles produce over 40% of VOCs and NOx and 80% of CO emissions in Massachusetts.

2. Who is subject to the regulation? Who must comply now?

To date, DEP has phased three groups of employers into the Rideshare Program: 1) facilities with 1,000 or more applicable commuters; 2) educational facilities with 1,000 or more applicable commuters; and, 3) non-educational facilities with 250 or more applicable commuters that are also subject to the Massachusetts Air Operating Permit Program (310 CMR 7.00, Appendix C)³. If your facility falls into one of these three categories, see Question 4 of this document for instructions on how to comply with the Rideshare Regulation. If your facility does not fall into one of these

¹ The formal name of the regulation is "Reduction of Single Occupant Commuter Vehicle Use."

² "Applicable commuter" refers to *applicable employees* at the facility. For educational facilities, "applicable commuter" refers to both *applicable employees* and *applicable students*.

³ The Massachusetts Air Operating Permit Program requires employers that receive an emissions permit to certify compliance with all other air quality regulations, including the Rideshare regulation.

three categories, please complete sections A, B, and I of the *2004 Rideshare Program Base Report (first time filers only)* or *2004 Rideshare Program Update Report* and submit it to DEP. Your facility may also complete the entire form and submit it to DEP.

3. How do I determine if my facility is subject to the Rideshare regulation?

To determine whether the Rideshare regulation is applicable to your facility, you must count all the applicable commuters at your facility.

Applicable employees¹:

- ◆ work at least 17 hours per week for 20 or more weeks per year;
- ◆ are scheduled to begin and complete their work day between 6 a.m. and 8 p.m., and,
- ◆ use their vehicle during work hours for work purposes less than 5 times a month.

For educational facilities, *applicable students*:

- ◆ are full-time commuting students;
- ◆ are scheduled to begin and complete their classes between 6 a.m. and 8 p.m., and,
- ◆ use their vehicle for school purposes less than 5 times a month.

Employers that have two or more buildings located within a *one mile radius* or within walking distance of each other must count all commuters at these locations to determine the total number of applicable commuters.

4. What does my facility have to do to comply with the Rideshare regulation?

If DEP has phased your facility into the Rideshare regulation, you must:

- ◆ Determine how your applicable commuters commute to the facility every other year;
- ◆ Establish a 25% goal to reduce drive-alone commute trips by;
- ◆ Implement, publicize, and maintain several drive-alone trip reduction incentives;
- ◆ Submit a *Rideshare Program Base Report*, including the *Summary of Commute Data Form*, when filing for the first time. All other facilities submit a *Rideshare Program Update Report*, including the *Summary of Commute Data Form*; and,
- ◆ Keep all records pertaining to your compliance with the Rideshare regulation, including commute data and Rideshare Program reporting forms, at the facility for at least three years.

Anecdotal evidence from employers, as well as data from DEP, suggests that **one of the most important actions your facility can take** to establish or continue compliance with the Rideshare regulation is to **designate a Rideshare Program coordinator.**

¹ In some circumstances, contractors that meet the same criteria may also be considered applicable commuters. If your facility has any question on counting contractors, please contact the Massachusetts Rideshare Program.

DEP will not penalize your facility if you implement a rideshare program but fail to reach the 25% drive-alone trip reduction goal.

5. How do I identify the commute modes taken by my facility's commuters ?

Although the Rideshare regulation requires your facility to collect commute trip data on your applicable commuters, the regulation does not specify how you should collect the data. The Rideshare Program thus offers your facility three methods to obtain data on the commute modes taken by your facility's commuters:

- ◆ **Census Survey Method.** In this method, your facility would survey *all* its applicable commuters to collect commute trip data.
- ◆ **Random Sample Survey Method.** In this method, your facility would survey a limited number of applicable commuters that are *randomly* selected to represent all the applicable commuters at the facility (see the *Guidance on Collecting Commute Data* for details). Once the data from this sample are collected, your facility would extrapolate the commute data from the sample to all the applicable population at the facility. This method allows you to survey a significantly smaller number of commuters than you would be required to do with the census survey.
- ◆ **Direct Count Method.** In this method, your facility would collect commute trip data by observation and analysis, such as counting the number of vehicles in a parking lot(s), and collecting data for all other commute modes. DEP recommends that only employers with comprehensive records that allow for tracking commute modes each day use this method.

For each method, your facility must collect commute trip data for every day of the commute data collection week, i.e., the number of days per week that the majority of commuters work at your facility (a five-day period for many employers).

See the *Guidance on Collecting Commute Data* to help choose the best method for your facility and for ways to implement the various methods and achieve the best data collection results.

6. What if my facility cannot collect commute data on all its commuters?

It is important to obtain data from *all* your applicable commuters in order to establish your 25% drive-alone trip reduction goal. Comprehensive and accurate data on *all* your applicable population will also help your facility determine whether it is making progress in achieving trip reductions from year to year.

Depending on your data collection method and response rate, your facility must account for those applicable commuters for whom you do not have any commute data ("non-respondents"). As a

result of discussions with several employer representatives, DEP has developed a number of options for employers to use to address non-respondents, as shown in the table below:

If your facility used the ...	And you obtained commute data from...		Count non-respondents as...
Census Survey	$\geq 90\%$ of your applicable commuters		Do not count non-respondents.
or	$\geq 75\%$ but $< 90\%$ of your applicable commuters		Commuting in the same proportion of modes as those responding.
Direct Count Method	≥ 50 but $< 75\%$ of your applicable commuters <u>and</u>	1. your facility opts to implement one additional trip reduction incentive,	Commuting in the same proportion of modes as those responding.
		2. your facility opts NOT to implement an additional trip reduction incentive.	Generating drive-alone trips.
Random Sample Survey Method	All the applicable commuters in your sample		Do not count non-respondents.
	$\geq 90\%$ of the applicable commuters		Generating drive-alone trips.

DEP will not accept data on less than 50% of applicable commuters for the Census Survey and Direct Count methods or less than 90% of applicable commuters for the Random Sample Survey method.

If your facility achieves between a 50% and 75% response rate and opts to implement an additional trip reduction incentive you must implement an incentive that is in addition to those incentives required by Section 1 of the Rideshare regulation. Your facility may only choose options from the *List of Additional Trip Reduction Incentives* in the Rideshare Program Package. The benefit of implementing an additional incentive is that you can count your non-respondents as commuting in the same way as the responding commuters.

7. What trip reduction incentives is my facility required to offer?

Section 1 of the Rideshare regulation requires your facility to implement, publicize, and maintain the following drive-alone trip reduction incentives:

- ◆ **Conduct carpool matching.** Your facility may match its own commuters by arranging a designated coordinator to actively match interested commuters or utilize carpool-matching services provided by MassRIDES. Your facility may develop carpooling programs with neighboring employers as well.
- ◆ **Set aside preferential parking spaces** for carpools, and vanpools if your facility must offer a vanpool program (see next section for details on employers located within one mile of transit). Preferential parking spaces are spaces located in the most convenient locations to your facility.
- ◆ **Establish bicycle incentives** to increase the number of commuters who bicycle to work. These incentives include providing bicycle racks or a secure locking facility for the storage of bicycles. Other optional incentives could include lockers, showers and changing rooms for commuters, and promotional events such as “bike to work” days.

If your facility is located within one mile of public transit services you must also offer the following additional incentives:

- ◆ **Provide commuters with the opportunity to purchase transit passes at the employment facility.** Contact the Massachusetts Bay Transit Authority (MBTA) or your local Regional Transit Authority to arrange to provide the transit passes on site. Your facility may, but is not required to, subsidize transit passes, for which it can obtain a tax break.
- ◆ **Post the schedules, rates and routes** of all private and public bus services to the facility in a public area easily accessible to commuters.
- ◆ **Contact the MBTA, Regional Transit Authority or private and public bus carriers at least once a year** to negotiate improvements in bus service and bus routes.
- ◆ *If your facility employs 1,000 or more commuters you are also required to:*
 - ◆ **Conduct vanpool matching** for commuters to commute by vanpools to work. For information on vanpool matching assistance, contact MassRIDES at 1-888-4-COMMUTE.

How does my facility implement, publicize, and maintain trip reduction incentives?

Implement
trip reduction incentives by offering them to commuters.

↓
Publicize
trip reduction incentives by advertising them to commuters via e-mail, newsletters or other methods.

↓
Maintain
trip reduction incentives by continuing to offer them to commuters.

8. Can my facility get credit for trip reductions it achieved prior to filing its Base Report with the Rideshare Program?

For facilities filing a Base Report, the formula for setting your facility's 25% drive-alone trip reduction goal allows you to obtain credit for drive-alone trip reductions that were achieved prior to your facility's Base Report (Base Report, Section G) if your facility can document the changes in commuting patterns. If your facility does not have records to document pre-base year drive-alone trip reductions and would like to obtain credit, please contact the DEP Rideshare Program for more details.

9. I've done the survey and implemented the incentives. Which form do I fill out?

Enclosed in your Rideshare Program Package are two Rideshare Program reports: the *2004 Rideshare Program Base Report* and the *2004 Rideshare Program Update Report*. If your facility is a:

- ◆ **First-time filer** and has never collected any commute trip data, submit the ***2004 Rideshare Program Base Report*** to DEP.
- ◆ **Annual filer** and has already filed a Base Report, submit the ***2004 Rideshare Program Update Report*** to DEP.

Depending on the number of applicable commuters your facility employs and whether your site is also subject to the Operating Permit Program, you must complete either all or part of the report that applies to your facility. See Part B on your report for details.

If you are submitting reports for several facilities that are not within a mile or walking distance of each other, please submit a separate report for each facility. If you have a substantial amount of documentation that is common to all the facilities you can reference one central document for the data.

Who must sign the reports?

The Rideshare regulation requires the *responsible official* at the facility to sign the Base and Update Reports. This official is responsible for compliance with the regulation and must be at one of the following levels or higher:

- ◆ the principal executive officer of at least the level of vice president or an authorized representative if responsible for the overall operation of the facility
- ◆ a general partner of a partnership
- ◆ the proprietor of a sole proprietorship
- ◆ the president or chairman of an unincorporated association, or
- ◆ the principal executive officer, ranking elected official or other authorized employee.

10. Are there any other forms that my facility must submit to DEP?

Yes. Each employer that DEP has phased into the Rideshare Program must complete and submit to DEP one of the four *2004 Summary of Commute Data Forms (SCD)* that are located in the Rideshare Program Package. Employers must provide data on how their commuters commute to work on these forms. *Choose the SCD that corresponds to your facility's data collection method and response rate.* . Read the heading at the top of each SCD form to make sure you use and submit the correct form to DEP.

If you need further assistance...

- ◆ Contact the **DEP Rideshare Program** at **(617) 292-5663** or by e-mail at **DEP.Rideshare@state.ma.us**.
- ◆ Contact **MassRIDES** for free consultation services to develop and market commuter transportation services at **1-888-4-COMMUTE** or **www.commute.com**.
- ◆ Check to see if there is a **Transportation Management Association (TMA)** in your area. TMAs are groups of employers that come together to address local transportation problems. A group of employers in a TMA can usually accomplish more trip reductions than individual employers.